

REMARKS

In the above-referenced office action the claims were rejected under 35 USC 101, 102 and 103. Applicant respectfully traverses.

With respect to the double patenting rejection, Applicant will address the substance of that rejection upon an indication of allowable subject matter.

Submitted herewith is an affidavit under 37 CFR 1.131 antedating the Rawat et al. reference. As such, the rejections of claims 1-14 have been obviated. Claim 15 has been amended to positively recite the incorporation of the telemetry antenna into the header of an implantable medical device. As such, the rejection of claim 15-40 in view of Haussler et al. has been obviated as this reference teaches a surface mounted chip antenna for a cell phone or similar device.

Applicant respectfully asserts that the pending claims are in condition for allowance and requests notice of the same. Should any issues remain outstanding, the Examiner is urged to telephone the undersigned to expedite prosecution.

Respectfully submitted,

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/Daniel G. Chapik/
Daniel G. Chapik
Reg. 43,424
Telephone: (763) 514-3066
Customer No. 27581